

Agenda

Civil Society Consultation for the U.S. Universal Periodic Review: Birmingham, Alabama

April 22, 2010

Welcome and Introductory Remarks

Lauren Banks, Greater Birmingham Ministries

Panel I: Homelessness and Poverty

Byl Boyd, Birmingham Coalition of the Homeless; Kristina Scott, Alabama Poverty Project, Alabama State Commission to Reduce Poverty; Sophia Bracy Harris, Federation of Child Care Centers of Alabama, Southern Rural Black Women's Initiative

Panel II: Education

Olivia Turner, ACLU of Alabama; Faya Ora Rose Toure, Civil Rights Attorney

Panel III: Hurricane Katrina in Alabama

Stephenie Bosarge, South Bay Community Alliance, Minh Le, Fisherman from Coden, Alabama; Sarah Harris

Panel IV: The Death Penalty and Criminal Justice

Richard Jaffe, Jaffe, Strickland, Drennan, and Dodd, P.C.; Jake Watson, Watson Graffeo, P.C.

Panel V: Immigration

Zayne Smith, Alabama Appleseed Center for Law and Justice; Caitlin Sandley, Hispanic Interest Coalition of Alabama; Sam Brooke, Southern Poverty Law Center

Panel VI: Black Land Loss

John Zippert, Federation of Southern Cooperatives

General Comments

Site Visit: April 23, 2010

- **Meet at Greater Birmingham Ministries**

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Six federal agencies participated in this UPR Session: the Department of State, the Department of Justice, the Department of Education, the Equal Employment Opportunity Commission, the Department of Homeland Security and the Department of Agriculture were represented.

- **Panel I: Homelessness and Poverty**

The first speaker discussed his personal experience with homelessness. He stated that because of foreclosures, all people should be aware that they are also at risk of homelessness. He stated that Birmingham has over 600 chronically homeless people and a limited shelter capacity, and that homeless people can be arrested for sleeping in parks and other public areas. He called for permanent supportive housing and services for people suffering from physical and mental illness.

The second panelist discussed systemic causes of poverty. First, she mentioned obstacles regarding education, such as a high dropout rate and lack of access to need-based college education. Next, she discussed the lack of a skilled work force and how Alabama is losing workers to other states. She also noted that a poor public transportation system is one of the challenges for people who want to work. Next, she discussed the environment in Alabama and expressed concern about the poor air quality. She cited one of the major problems as relaxed environmental enforcement.

The next panelist explained how her organization focuses on human capacity building, creating assets, and public policy advocacy. Other areas of concern included a lack of jobs, transportation, and childcare services in rural communities, poor housing conditions, and poor health conditions.

During the discussion session, attendees heard personal testimonies about people who are still homeless despite having work experience or a college education. Speakers also raised the importance of implementing a methodology that is more accurate in estimating the level of poverty. Participants also discussed what they described as the lack of services for individuals just leaving prisons, a lack of federal funds for better transportation systems, and the need for a stronger political alliance among African Americans, Latinos, and white citizens of Alabama.

- **Panel II: Education**

The first panelist addressed education and rights. She discussed the relationship between race and education in Alabama and how it results in unequal opportunities and

outcomes for minority and poor children. She also reviewed court-ordered attempts at desegregation and described how schools are still not completely desegregated. She called for a review of the treaties the U.S. has ratified, particularly the many reservations to them as well as for the ratification of UN Convention on the Rights of the Child and the UN Convention on the Elimination of all Forms of Discrimination against Women. She closed by discussing existing disparities in education, including poor graduation rates, unqualified teachers in poverty-stricken schools, disparate discipline, and children experiencing multiple or intersectional discrimination.

The second panelist talked about unequal education in the U.S. despite previous civil rights victories. She discussed inequalities caused by magnet and charter schools. Other interlocutors discussed how students do not drop out of schools, but due to schools' failures, they are pushed out.

- **Panel III: Hurricane Katrina in Alabama**

The first panelist explained that many people who have been affected by Hurricane Katrina are unaware of the funds available to them. She disclosed how many people in her community are still homeless or living in campers although there are existing resources and programs to help them. She suggested that available programs be simplified so they can be more widely accessible. Additionally, she stated that Alabama has been overlooked regarding post-disaster reconstruction funds. Next, a panelist discussed difficulties regarding homeowners insurance. She asked for fairness and stated that Alabama does not have an actuary model on which to base insurance rates.

The next panelist asserted that many Hurricane Katrina victims do not speak English, and therefore need forms translated. In addition, he claimed that the local fishing industry is being hurt because of imports from abroad. During the discussion session, interlocutors voiced concern about the large number of people in the gulf region who have been displaced. One participant argued that hurricane-damaged communities are the most overlooked by the U.S. Government. Other participants repeated the need for translation services into the Cambodian, Laotian, and Vietnamese languages. Other areas of concern that were discussed included unhealthy conditions in Federal Emergency Management Agency trailers, steep increases in insurance prices, the short duration of many assistance programs, and challenges faced by Hurricane Katrina victims with disabilities. One participant claimed that people do not know whom to contact about their problems.

- **Panel IV: The Death Penalty and Criminal Justice**

The first panelist talked about the death penalty and discrepancies in its implementation in federal and state systems. He stated that procedures in Alabama do not provide the accused with as many guarantees and protections to have a thorough

investigation as in the federal system. He stated that in the federal system, it only takes one juror to prevent a death penalty sentence; however, in the state system, unanimity is not required, and the judge can override a decision of the jury not to impose the death penalty. Finally, the panelist discussed issues with funding. He asserted that state systems do not attract the best lawyers. He stated that in order for the death penalty to be utilized fairly and consistently, more resources are needed, including an adequate public defender system.

The next panelist started with a discussion of indigent defense issues. He claimed that poor people in Alabama are systematically being assigned lawyers who are not competent. He then discussed the American Bar Association's ten principles of the public defense system and how practices in Alabama do not live up to these standards.

During the discussion session, interlocutors discussed the need for qualified public defenders. Participants were able to share personal testimonies about family members who have been killed in county jails and prisons and how they have yet to receive justice.

- **Panel V: Immigration**

The first panelist stated that the immigrant community often comes from a Latino-centered perspective; however, there is also a significant Asian community in Alabama. The panelist also discussed domestic violence and how many individuals are afraid to report crimes because of the lack of bilingual services. The next speaker discussed the high volume of anti-immigrant bills in Alabama; the most current anti-immigrant measures have not passed due to community efforts and a few House members. The last speaker addressed the detention system in Alabama. He stated that in Alabama, state police and local authorities are able to arrest someone on the suspicion of being illegal, then can hold them without charges for 48 hours. He highlighted the many problems with this process, such as the inability for U.S. Immigration and Customs Enforcement officials to reach a detention site to assure the local authorities that the person in question is in fact legal, which results in some people being held all weekend. Other issues discussed during the panel session included racial profiling, arbitrary systems of detention, detention conditions, workplace abuse, and the large number of medical complaints in detention centers.

During the discussion session, participants highlighted the need for more legal services for immigrants. One participant mentioned the feelings of hostility toward immigrants, especially in the media.

- **Panel VI: Black Land Loss**

Discussion began with a representative from civil society explaining how over the past century, African Americans have lost millions of acres of land. He stated that property taxes that are proportionally higher for small landowners than for companies were one of the difficulties, along with high taxation, fraud, and a lack of forestry assistance and credit. The participant also explained that African American owned farms are dwindling at a much faster rate than farms owned by whites. The Pigford lawsuit (a longstanding suit against the U.S. Department of Agriculture alleging discrimination against African American farmers in loan programs), a need for assistance with technical guidance for forestry land, and the impact of land loss on Hurricane Katrina victims were also discussed.

- **General Comments**

Several participants had the opportunity to discuss issues of importance to them. One of the first interlocutors mentioned a lack of enforcement of zoning laws as well as the Leonard Peltier case. The next participant shared a personal account of her difficulties in accessing social security and disability funds, as well as the challenges she faced regarding housing. Then, a contributor explained that medical care for senior citizens often requires them to give up their land. The Alabama Constitution was repeatedly criticized for centralizing too much power in the capital and for still containing racist and sexist language.

Another issue discussed concerned a need for more affordable property insurance. One participant mentioned the lack of opportunities for children to work on farms, which would keep them off the streets. After grievances about an inadequate justice department in Alabama, one interlocutor called on the Department of Justice to monitor the court system and ensure that judges remain objective. Additional issues that were discussed included insufficient public transportation, the need for better knowledge of detainees' medical status upon prison entry, and the lack of financial resources for Hurricane Katrina victims.

- **Site Visit**

On April 23, federal government representatives met at a local ministry. Every Friday, the ministry provides a week's worth of groceries to people suffering from poverty. Recently, there has been an increase in the amount of people waiting in line for food. The representative of the ministry highlighted several issues, such as alleged racist and sexist components of the Alabama Constitution, the overcrowding of jails, the lack of a prisoner re-entry program in Alabama, the high death penalty rate, and felon disenfranchisement.